

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**ADDENDUM NO. 1 TO  
CLEANUP AND ABATEMENT ORDER NO. R9-2005-0033  
FOR**

**MIKE BINGHAM  
FIELDSTONE COMMUNITIES INC.  
Morro Hills Villages C, D, E, G  
Oceanside, San Diego County**

The California Regional Water Quality Control Board, San Diego Region (hereinafter SDRWQCB), finds that:

1. On January 26, 2005, The SDRWQCB Executive Officer issued Cleanup and Abatement Order (CAO) No.R9-2005-0033 to Fieldstone Communities Inc. for discharges of sediment and sediment laden water to the City of Oceanside's Municipal Separate Storm Sewer System (MS4) and tributaries to Pilgrim Creek, resulting from construction activities associated with the Morro Hills project.
2. The directives in this CAO should be clarified to address the following:
  - a. A formatting error in numbering the directives contained in the CAO.
  - b. CAO directives No. 3 & 6 should cite both Best Conventional Control Technology (BCT) as well as Best Available Technology Economically Achievable (BAT) to be consistent with Order 99-08-DWQ, General Permit for Storm Water Discharges Associated with Construction Activity, which states that all dischargers develop and implement controls to reduce pollutants in storm water discharges from their construction sites to the BAT/BCT performance standard.
  - c. It is necessary for the purposes of determining when status reports are required to be submitted by the discharger, to define the term "significant rainfall event". As it pertains to this CAO, a "significant rainfall event" is defined as when 1 or more inches of rain occurs from the start of precipitation to the end of precipitation, followed by three consecutive dry days.
3. On March 9, 2005, the SDRWQCB, in a public hearing, heard and considered all comments pertaining to this matter, and adopted Addendum No. 1 to Cleanup and Abatement Order No. R9-2005-0033.

4. This enforcement action is being taken for the protection of the environment and, as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that the CAO directives, and text are updated as follows :

1. Immediately initiate efforts to abate the potential effects of threatened discharges of wastes into the City of Oceanside MS4 and Pilgrim Creek and take remedial action to cease discharging waste in violation of Order 99-08-DWQ, Order No. 2001-184 and the Basin Plan.
2. The *dischargers* shall immediately comply with all requirements of the State Board Construction Storm Water Permit No. 99-08-DWQ, by providing an effective and appropriate combination of sediment and erosion controls on all disturbed areas. Measures shall include, but not limited to, the following:
  - a. The use of erosion control blankets on slopes to address the failure of past erosion control measures;
  - b. The removal of sediment from basins to maintain its capacity;
  - c. The installation of erosion & sediment control BMPs to stabilize finished housing pads that will remain idle for a period of more than 20 days during the rainy season;
  - d. The implementation of a comprehensive maintenance program to ensure continued BMP effectiveness; and
  - e. The development of a contingency plan to address the need for advanced filtration of any sediment laden water to be discharged to the City of Oceanside MS4, or Waters of the State.
3. If at any time in the future, the capacity of the on-site sedimentation basins becomes overwhelmed, so that it becomes necessary to pump down the accumulated sediment laden runoff and discharge it off-site, the discharge shall be filtered with advanced treatment technologies (i.e. chitosan enhanced sand filtration) to the BAT/BCT performance standard. The *dischargers* will notify the Regional Board prior to initiating the discharge.
4. By February 15, 2005, the *dischargers* shall submit a technical report documenting that the tasks in Directive 2 have been completed.
5. After each significant rainfall event, the *dischargers* shall conduct an immediate assessment of erosion and sediment control BMPs implemented on the project: This assessment shall:
  - a. Identify the source of the silt and sediment;
  - b. Repair or replace any BMP that has failed;

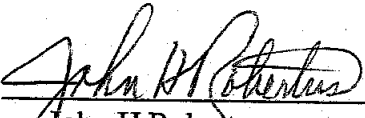
- c. Maintain any BMP that is not functioning properly due to lack of maintenance; and
  - d. Evaluate whether additional or alternative BMPs should be implemented to prevent further discharges of sediment.
- 6. After each significant rainfall event, the *dischargers* shall submit a status report within 7 days, documenting the subject site's compliance with the General Construction Storm Water Permit and efforts to prevent further discharges and violations of the Basin Plan. Reports shall be submitted until the *dischargers* demonstrate to the satisfaction of the SDRWQCB that the BMPs are effective in reducing sediment discharges from the subject site during rain events to the BAT/BCT performance standard. The reports shall include and are not limited to:
  - a. Photo documentation of BMPs;
  - b. A narrative description of all actions, BMPs, inspections, and maintenance conducted at the subject site during the reporting period;
  - c. A description of all discharges during the reporting period including photos, estimated amount discharged, measures to prevent similar discharges and a plan to cleanup the discharge;
  - d. Site maps showing final slopes, temporary slopes, drainages, and BMP placement for the reporting period; and
  - e. Photocopies of all subject site inspections reports.
- 7. Rescission of the CAO will be considered when the Executive Officer of the SDRWQCB has determined that Fieldstone Communities Inc. has complied with the directives of the CAO, and any future amendments to the CAO.
- 8. All reports submitted pursuant to this CAO shall include the following signed certification:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Pursuant to California Water Code section 13350, any person who intentionally or negligently violates a cleanup and abatement order may be liable civilly in an amount which shall not exceed five thousand dollars (\$5,000), but shall not be less than five hundred dollars (\$500), for each day in which the cleanup and abatement order is violated. The SDRWQCB reserves the right to take any enforcement action authorized by law.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Board, San Diego Region, on March 9, 2005.

Ordered by:

  
John H Robertus  
Executive Officer